

REMARKS

This is in response to the Final Office Action mailed on October 21, 2005. With this response, Applicant amends claims 1, 12, and 16, and adds new claims 23-25. No new matter is added. Applicant submits that no additional claim fees are due, since 3 claims were previously canceled. With this response, all of the pending claims are in condition for allowance. Reconsideration and notice to that effect is respectfully requested.

Applicant traverses with amendment the rejection of claims 1-4, 6, 7, 10, 12, 14, 16, and 20 under 35 U.S.C. 103(a) over U.S. Patent No. 6,831,970 ("Awada") in view of U.S. Patent No. 6,359,970 ("Burgess"), at page 2, paragraph 2, of the Final Office Action.

Independent claims 1, 12, and 16 recite a control to override the ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule. The asserted combination of Awada and Burgess fails to teach or suggest a control to override a ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule, as recited by claims 1, 12 and 16.

The amendment to the independent claims 1, 12, and 16 renders the rejection over the asserted combination of Awada and Burgess moot. Awada discloses that a calendar application of a computer or within a phone automatically selects and activates a desirable profile for the phone based on the predetermined settings and the user's scheduling input to the calendar application. *See Awada*, col. 7, lines 12-17. Awada discloses that a profile of the phone may be activated by a remote profile activator (such as the calendar application operating on a computer). *See Awada*, col. 8, lines 5-7. Additionally, Awada discloses that a profile of the phone may be activated locally. Awada discloses that if a meeting is shorter than scheduled or if a meeting is canceled, "the user has the capability to change the profile from a meeting profile to a normal profile." *See Awada*, col. 8, lines 55-57. Awada also discloses that a user may alter the calendar information using the phone. *See Awada*, col. 8, lines 57-67. However, Awada discloses that the profile of the phone is changed, not overridden.

The Final Office Action acknowledges that Awada fails to disclose the ringer control schedule indicating times at which the parameter of the ringer is to change. *See Final Office*

Action, p. 3, paragraph 2. The Final Office Action asserts that Burgess discloses this feature. See *Final Office Action*, p. 3, paragraph 2. Burgess discloses a communications controller to provide call screening functionality. See *Burgess, Abstract*. The user assigns one of a plurality of different priority levels for each caller and selects block time intervals for each priority to indicate times during which calls will not be passed to the user's communication device. See *Burgess, Abstract*. The communications controller utilizes these settings to pass or block incoming calls. See *Burgess, Abstract*. Burgess discloses a process for handling emergency calls to bypass time blocks. See *Burgess*, col. 6, line 63 through Col. 7, line 7. While Burgess defines a process for bypassing the time block schedule, the bypass feature and/or the permitted caller features of Burgess are part of the call profile, and therefore do not require an override. Burgess fails to disclose or suggest a control to override a ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule, as recited by claims 1, 12 and 16.

Accordingly, the asserted combination of Awada and Burgess fails to disclose or suggest, a control to override a ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule as recited by claims 1, 12 and 16. Since the combination of Awada and Burgess fails to disclose or suggest at least one element of the independent claims 1, 12, and 16, the independent claims 1, 12 and 16 are allowable over the asserted combination of Awada and Burgess. Dependent claims 2-4, 6, 7, 10, 12, and 14 depend from one of the independent claims 1, 12, or 16, and therefore are allowable over the asserted combination of Awada and Burgess, at least by virtue of their dependency from one of the allowable independent claims. Accordingly, the rejection of claims 1-4, 6, 7, 10, 12, 14, and 16 over the asserted combination of Awada and Burgess should be withdrawn.

Applicant traverses the rejection of claims 5, 15, and 21 under 35 U.S.C. 103(a) over Awada in view of U.S. Patent No. 6,763,105 ("Miura") at page 8, paragraph 3 of the Final Office Action. Claim 5 depends from claim 1, claim 15 depends from claim 12, and claim 21 depends from claim 16. As previously discussed, Awada fails to disclose or suggest a mobile telephone having a control to override a ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule, as recited by independent claims 1, 12

and 16. The Final Office Action notes that Awada fails to disclose or suggest a changing ring tone and a changing ring volume, and asserts that Miura discloses this feature.

Miura discloses that a user sets a start and end time of a call incoming operation limiting function and the tone of the ringer during that period. *See Miura*, col. 6, lines 45-54. Miura discloses that when the clock of the telephone matches the start time, the call incoming operation limiting function control unit instructs the ring tone volume unit to change the tone volume accordingly. *See Miura*, col. 6, lines 55-65. Miura discloses following a pre-defined tone adjustment schedule, but fails to disclose or suggest a control to override a ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule as recited by claims 1, 12 and 16.

Thus, the asserted combination of Awada and Miura fails to disclose or suggest at least one element of each of the independent claims 1, 12, and 16, and therefore of claims 5, 15, and 21, at least by virtue of their dependency from one of the claims 1, 12, or 16. Accordingly, the rejection of claims 5, 15, and 21 over the asserted combination of Awada and Miura should be withdrawn.

Applicant traverses the rejection of claims 8, 9, 17 and 18 under 35 U.S.C. 103(a) over Awada in view of U.S. Patent No. 6,760,581 ("Dutta") at page 9, paragraph 4 of the Final Office Action.

Neither Awada nor Dutta provide any suggestion or motivation to make the asserted combination. Dutta is directed to a hold operation on a mobile telephone. *See Dutta*, Abstract. By contrast, Awada is directed to a call control operation using a calendar. *See Awada*, Abstract. There exists no motivation to modify Awada to include the hold operation of Dutta, since the system of Awada already utilizes the profile information to handle calls. *See Awada*, Abstract.

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. ... It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious.

In re Fritch, 972 F. 2d 1260, 23 USPQ2d 1780 at 1783-84 (Fed. Cir. 1992).

The fact that Dutta discloses a Bluetooth interface does not make the modification to Awada obvious. Neither Dutta nor Awada suggest that such a modification would be desirable. The asserted combination of Awada and Dutta is a hindsight reconstruction based the present disclosure, and therefore the rejection of claims 8, 9, 17, and 18 over the combination of Awada and Dutta is improper and should be withdrawn.

Nevertheless, Applicant notes that claims 8 and 9 depend from claim 1 and that claims 17 and 18 depend from claim 16. As discussed with respect to claims 1 and 16, Awada fails to disclose or suggest a mobile telephone including a control to override a ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule as recited by claims 1 and 16. The Office Action fails to assert that Dutta discloses or suggests this feature.

Dutta discloses a system and method of providing a hold operation on a mobile telephone, by activating a hold key on the mobile telephone. *See Dutta, Abstract.* Dutta discloses that the user configures the mobile telephone using the mobile telephone to configure the hold operations. *See Dutta, col. 5, lines 1-24.* Dutta discloses that the mobile telephone can be configured to respond to Bluetooth automatic hold commands. *See Dutta, col. 5, line 24 through col. 6, line 13.* Dutta fails to disclose or suggest a ring control schedule. Instead, Dutta is simply adapted to respond to a local key command or a received "hold" command to place a call on hold "until a receiver has moved to a location where he can answer the call." *See Dutta, Abstract.* Thus, Dutta fails to overcome the deficiencies of Awada. Therefore, the asserted combination of Awada and Dutta fails to disclose or suggest a control to override a ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule, as recited by claims 1 and 16. Accordingly, the Final Office Action fails to establish

that the proposed combination of Awada and Dutta discloses or suggests the specific combination of elements recited by claims 8, 9, 17 and 18 at least by virtue of their dependency from claims 1 and 16, respectively.

Moreover, claims 8, 9, 17 and 18 recite specific combinations of elements neither disclosed nor suggested by the cited references. For example, claim 8 recites the feature of an interface comprising a short-range wireless interface to an external device, wherein a ringer schedule interface uses the interface to receive at least part of a ringer control schedule created using and downloaded by the external device. The Final Office Action at page 9 acknowledges that Awada fails to disclose or suggest a short-range wireless interface and alleges that that the passage of Dutta at col. 5, lines 50-67 discloses this feature. For ease of reference, the cited passage of Dutta is reproduced in its entirety below:

A determination is made as to whether the mobile telephone user wants to be notified when the automatic hold function is triggered by a Bluetooth server command (decision 660). If the user wishes to be notified (see FIG. 5 for details regarding the user's preference), decision 660 branches to "yes" branch 665 whereupon a signal, such as a vibration or a ring, emanates from the mobile phone informing the user that an automatic hold request has been received from a Bluetooth server (step 670).

After the Bluetooth hold command has been received and processed, selected incoming calls are automatically held (step 680). Automatic holding of a call checks to determine whether the incoming caller is on the user's pre-selected list (see FIG. 5, step 520). If the caller is on the pre-selected list, a signal, such as a vibration or a ring, emanates from the mobile phone informing the user that a caller has been placed on hold.

Dutta, col. 5, lines 50-67 (emphasis added).

The Office Action asserts that "it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Dutta into the system of Awada in order to provide a hold operation from a mobile telephone (see Dutta, Abstract)." *See Final Office Action*, p. 9, paragraph 4. However, the relied-upon passage of Dutta discloses that Bluetooth is used to transmit a hold command. Dutta fails to disclose or suggest the use of a short-range wireless interface to an external device, wherein the ringer schedule interface uses the interface to receive at least part of the ringer control schedule created using and downloaded by an external device, as recited by claim 8. Dutta fails to disclose that these "Bluetooth commands" are used to transfer at least part of a ringer control schedule.

Accordingly, the asserted combination of Awada and Dutta fails to disclose or suggest at least one element of each of the claims 8, 9, 17 and 18, at least by virtue of their dependence from allowable independent claims 1 and 16. Therefore, the rejection of claims 8, 9, 17 and 18 over the asserted combination of Awada and Dutta should be withdrawn.

Applicant respectfully traverses the rejection of claim 22 under 35 U.S.C. §103(a) over Awada and Burgess, in further view of Dutta at page 10, paragraph 5 of the Final Office Action. The Final Office Action acknowledges that Awada fails to disclose the ringer control schedule indicating times at which a parameter of the ringer is to change. *See Final Office Action*, p. 11. The Final Office Action acknowledges that the combination of Awada and Burgess fails to disclose or suggest a short-range wireless interface to an external device. *See Final Office Action*, p. 11. The Final Office Action asserts that it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Dutta into the system of Awada and Burgess in order to provide a hold operation from a mobile telephone. *See Final Office Action*, p. 11. However, there exists no motivation to modify the system of Awada and Burgess to include the hold operation of Dutta, since the system of Awada and Burgess would already utilize the profile information to handle calls received at an inopportune time. *See Awada, Abstract and Burgess, Abstract.*

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. ... It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious.

In re Fritch, 972 F. 2d 1260, 23 USPQ2d 1780 at 1783-84 (Fed. Cir. 1992).

The fact that Dutta discloses a Bluetooth interface does not make the modification to the combination of Awada and Burgess obvious. The cited references (Awada, Burgess and Dutta) simply fail to disclose or suggest any motivation to make the asserted combination. The asserted combination of Awada, Burgess and Dutta is a hindsight reconstruction based the present disclosure, and therefore the rejection of claim 22 over the combination of Awada, Burgess and Dutta is improper and should be withdrawn.

New claims 23-25 are added to clarify the invention. Claim 23 recites that the mobile telephone includes a controller to override the ringer control schedule and thereafter to return to processing incoming calls according to the ringer control schedule. As discussed with respect to claims 1, 12, and 16, the cited references fail to disclose or suggest this feature, alone or in combination. Claim 24 recites that the ringer controller is adapted to match a time and day of an incoming call to a ringer control schedule on a call-by-call basis. Claim 25 recites that the interface of the mobile telephone is a BLUETOOTH interface. No new matter is added.

CONCLUSION

Applicant has pointed out specific features of the claims not disclosed, suggested, or rendered obvious by the references applied in the Final Office Action. Accordingly, Applicant respectfully requests reconsideration and withdrawal of each of the rejections, as well as an indication of the allowability of each of the pending claims 1-10, 12-18, and 21-25. For at least the foregoing reasons, Applicant respectfully submits that the present application is in condition for allowance and reconsideration and notice to that effect is respectfully requested.

Respectfully submitted,

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Date


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